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Filing date: **06/01/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214849
Party	Plaintiff Apple Inc.
Correspondence Address	ALICIA GRAHN JONES KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET, SUITE 2800 ATLANTA, GA 30309-4530 UNITED STATES AlJones@ktslaw.com, cgenteman@kilpatricktownsend.com, ARoach@kilpatricktownsend.com, JPetersen@ktslaw.com, agar- cia@ktslaw.com, tmadmin@ktslaw.com,
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Signature	/Alicia Grahm Jones/
Date	06/01/2016
Attachments	Apple v. Hasan - First Notice of Reliance - TESS Records of Apple_s Registra- tions -with Exh. A.pdf(1460640 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. **85/866,375**

For the mark: **IT'S AN APP FOR THAT**

Filed: March 4, 2013

Published: August 13, 2013

-----X	:	
APPLE INC.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91214849
	:	
SYED ALI HASAN,	:	
	:	
Applicant.	:	
-----X	:	

OPPOSER'S FIRST NOTICE OF RELIANCE

Opposer Apple Inc. ("Apple"), pursuant to 37 C.F.R. § 2.122(d)(2), submits of record in connection with this opposition proceeding copies of registration certificates prepared and issued by the United States Patent and Trademark Office ("USPTO") and current printouts from the USPTO's Trademark Electronic Search System ("TESS") electronic database showing the current status and title of the following United States Trademark Registrations owned by Apple and pleaded by Apple in its Notice of Opposition. *See Citigroup Inc. v. Capital City Bank Group Inc.*, 94 U.S.P.Q.2d 1645, 1654 (T.T.A.B. 2010) (during its testimony period, opposer may file a notice of reliance on a current printout of information from the electronic database records for the USPTO showing the current status and title of opposer's registrations).

TRADEMARK	REG. NO.	APP. DATE / REG. DATE	GOODS/SERVICES (FIRST USE)
THERE'S AN APP FOR THAT	3,884,408	Dec. 4, 2009 / Nov. 30, 2010	<p>Class 35: Retail store services featuring computer software provided via the Internet and other computer and electronic communication networks; retail store services featuring computer software for use on handheld mobile digital electronic devices and other consumer electronics. (Jan. 26, 2009)</p> <p>Class 42: Maintenance and updating of computer software; providing information concerning computer software via the Internet and other computer and electronic communication networks; providing search engines for obtaining data via communications networks; providing temporary use of computer software and online facilities to enable users to access and download computer software; providing online non-downloadable computer software that generates customized recommendations of software applications based on user preferences. (Jan. 26, 2009)</p>
THERE'S AN APP FOR THAT	4,091,498	Dec. 4, 2009 / Jan. 24, 2012	<p>Class 9: Handheld mobile digital electronic devices for the sending and receiving of telephone calls, electronic mail, and other digital data, for use as a digital format audio player, and for use as a handheld computer, personal digital assistant, electronic organizer, electronic notepad, and camera; computer gaming machines, videophones, prerecorded computer programs for personal information management, database management software,</p>

TRADEMARK	REG. NO.	APP. DATE / REG. DATE	GOODS/SERVICES (FIRST USE)
			<p>electronic mail and messaging software, database synchronization software, computer programs for accessing, browsing and searching online databases, computer software and firmware, namely, operating system programs, data synchronization programs, and application development computer software programs for personal and handheld computers; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld services from a data store on or associated with personal computer or a server; software for the synchronization of data between a remote station or device and a fixed or remote station or device. (Jan. 26, 2009)</p> <p>Class 38: Telecommunication services, namely, electronic transmission of computer software via the Internet and other computer and electronic communication networks; provision of connectivity services and access to electronic communications networks for transmission or reception of computer software. (Jan. 26, 2009)</p>

The above registrations are relevant to this opposition proceeding in that they establish, among other things, that Apple is the owner of valid and subsisting prior registrations for marks that are nearly identical to the mark at issue in this proceeding. Further, Apple will rely on these registrations to establish, among other things, the scope of Apple's rights in the underlying marks

in connection with goods and services that are identical and closely related to those identified in the subject application.

Copies of the Certificates of Registration and current printouts of the above registrations from the USPTO's TESS electronic database are attached hereto as Exhibit A.

Dated: June 1, 2016

Respectfully submitted,

**KILPATRICK TOWNSEND &
STOCKTON LLP**

By: /s/Alicia Grahm Jones
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Attorneys for Opposer Apple Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. **85/866,375**

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APPLE INC.,	:	
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Opposer,	:	
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v.	:	Opposition No. 91214849
	:	
SYED ALI HASAN,	:	
	:	
Applicant.	:	
-----X		

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing OPPOSER'S FIRST NOTICE OF RELIANCE has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Syed Ali Hasan
530 Lytton Ave, 2nd Floor
Palo Alto, California 94304

This the 1st day of June, 2016.

/s/Alberto Garcia

Alberto Garcia

EXHIBIT A

United States of America

United States Patent and Trademark Office

THERE'S AN APP FOR THAT

Reg. No. 3,884,408

Registered Nov. 30, 2010

Int. Cls.: 35 and 42

SERVICE MARK

PRINCIPAL REGISTER

APPLE INC. (CALIFORNIA CORPORATION)
1 INFINITE LOOP
CUPERTINO, CA 95014

FOR: RETAIL STORE SERVICES FEATURING COMPUTER SOFTWARE PROVIDED VIA THE INTERNET AND OTHER COMPUTER AND ELECTRONIC COMMUNICATION NETWORKS; RETAIL STORE SERVICES FEATURING COMPUTER SOFTWARE FOR USE ON HANDHELD MOBILE DIGITAL ELECTRONIC DEVICES AND OTHER CONSUMER ELECTRONICS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-26-2009; IN COMMERCE 1-26-2009.

FOR: MAINTENANCE AND UPDATING OF COMPUTER SOFTWARE; PROVIDING INFORMATION CONCERNING COMPUTER SOFTWARE VIA THE INTERNET AND OTHER COMPUTER AND ELECTRONIC COMMUNICATION NETWORKS; PROVIDING SEARCH ENGINES FOR OBTAINING DATA VIA COMMUNICATIONS NETWORKS; PROVIDING TEMPORARY USE OF COMPUTER SOFTWARE AND ONLINE FACILITIES TO ENABLE USERS TO ACCESS AND DOWNLOAD COMPUTER SOFTWARE; PROVIDING ONLINE NON-DOWNLOADABLE COMPUTER SOFTWARE THAT GENERATES CUSTOMIZED RECOMMENDATIONS OF SOFTWARE APPLICATIONS BASED ON USER PREFERENCES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-26-2009; IN COMMERCE 1-26-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-980,556, FILED 12-4-2009.

DAVID MURRAY, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office



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THERE'S AN APP FOR THAT

Word Mark Goods and Services

THERE'S AN APP FOR THAT

IC 035. US 100 101 102. G & S: Retail store services featuring computer software provided via the Internet and other computer and electronic communication networks; retail store services featuring computer software for use on handheld mobile digital electronic devices and other consumer electronics. FIRST USE: 20090126. FIRST USE IN COMMERCE: 20090126

IC 042. US 100 101. G & S: Maintenance and updating of computer software; providing information concerning computer software via the Internet and other computer and electronic communication networks; providing search engines for obtaining data via communications networks; providing temporary use of computer software and online facilities to enable users to access and download computer software; providing online non-downloadable computer software that generates customized recommendations of software applications based on user preferences. FIRST USE: 20090126. FIRST USE IN COMMERCE: 20090126

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Trademark Search Facility Classification Code

LETS-2 APP Two letters or combinations of multiples of two letters
NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
SHAPES-MISC Miscellaneous shaped designs

Serial Number

77980556

Filing Date

December 4, 2009

Current Basis

1A

Original Filing

1B

Basis**Published for
Opposition** March 30, 2010**Registration
Number** **3884408****International
Registration
Number** 1043881**Registration
Date** November 30, 2010**Owner** (REGISTRANT) Apple Inc. CORPORATION CALIFORNIA 1 Infinite Loop Cupertino CALIFORNIA 95014**Attorney of
Record** Kimberly Eckhart**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead
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United States of America

United States Patent and Trademark Office

THERE'S AN APP FOR THAT

Reg. No. 4,091,498

Registered Jan. 24, 2012

Int. Cls.: 9 and 38

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

APPLE INC. (CALIFORNIA CORPORATION)
1 INFINITE LOOP
CUPERTINO, CA 95014

FOR: HANDHELD MOBILE DIGITAL ELECTRONIC DEVICES FOR THE SENDING AND RECEIVING OF TELEPHONE CALLS, ELECTRONIC MAIL, AND OTHER DIGITAL DATA, FOR USE AS A DIGITAL FORMAT AUDIO PLAYER, AND FOR USE AS A HANDHELD COMPUTER, PERSONAL DIGITAL ASSISTANT, ELECTRONIC ORGANIZER, ELECTRONIC NOTEPAD, AND CAMERA; COMPUTER GAMING MACHINES, VIDEOPHONES, PRERECORDED COMPUTER PROGRAMS FOR PERSONAL INFORMATION MANAGEMENT, DATABASE MANAGEMENT SOFTWARE, ELECTRONIC MAIL AND MESSAGING SOFTWARE, DATABASE SYNCHRONIZATION SOFTWARE, COMPUTER PROGRAMS FOR ACCESSING, BROWSING AND SEARCHING ONLINE DATABASES, COMPUTER SOFTWARE AND FIRMWARE, NAMELY, OPERATING SYSTEM PROGRAMS, DATA SYNCHRONIZATION PROGRAMS, AND APPLICATION DEVELOPMENT COMPUTER SOFTWARE PROGRAMS FOR PERSONAL AND HANDHELD COMPUTERS; SOFTWARE FOR THE REDIRECTION OF MESSAGES, INTERNET E-MAIL, AND/OR OTHER DATA TO ONE OR MORE ELECTRONIC HANDHELD SERVICES FROM A DATA STORE ON OR ASSOCIATED WITH PERSONAL COMPUTER OR A SERVER; SOFTWARE FOR THE SYNCHRONIZATION OF DATA BETWEEN A REMOTE STATION OR DEVICE AND A FIXED OR REMOTE STATION OR DEVICE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-26-2009; IN COMMERCE 1-26-2009.



FOR: TELECOMMUNICATION SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF COMPUTER SOFTWARE VIA THE INTERNET AND OTHER COMPUTER AND ELECTRONIC COMMUNICATION NETWORKS; PROVISION OF CONNECTIVITY SERVICES AND ACCESS TO ELECTRONIC COMMUNICATIONS NETWORKS FOR TRANSMISSION OR RECEPTION OF COMPUTER SOFTWARE, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-26-2009; IN COMMERCE 1-26-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-886,754, FILED 12-4-2009.

David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,091,498 DAVID MURRAY, EXAMINING ATTORNEY



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THERE'S AN APP FOR THAT

Word Mark Goods and Services

THERE'S AN APP FOR THAT

IC 009. US 021 023 026 036 038. G & S: Handheld mobile digital electronic devices for the sending and receiving of telephone calls, electronic mail, and other digital data, for use as a digital format audio player, and for use as a handheld computer, personal digital assistant, electronic organizer, electronic notepad, and camera; computer gaming machines, videophones, prerecorded computer programs for personal information management, database management software, electronic mail and messaging software, database synchronization software, computer programs for accessing, browsing and searching online databases, computer software and firmware, namely, operating system programs, data synchronization programs, and application development computer software programs for personal and handheld computers; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld services from a data store on or associated with personal computer or a server; software for the synchronization of data between a remote station or device and a fixed or remote station or device. FIRST USE: 20090126. FIRST USE IN COMMERCE: 20090126

IC 038. US 100 101 104. G & S: Telecommunication services, namely, electronic transmission of computer software via the Internet and other computer and electronic communication networks; provision of connectivity services and access to electronic communications networks for transmission or reception of computer software. FIRST USE: 20090126. FIRST USE IN COMMERCE: 20090126

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77886754

Filing Date December 4, 2009

Current Basis 1A
Original Filing Basis 1B
Published for Opposition March 30, 2010
Registration Number **4091498**
International Registration Number 1043881
Registration Date January 24, 2012
Owner (REGISTRANT) Apple Inc. CORPORATION CALIFORNIA 1 Infinite Loop Cupertino CALIFORNIA 95014
Attorney of Record Lisa G. Widup
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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